IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

THURSDAY, THE 13TH DECEMBER 2007 / 22ND AGRAHAYANA 1929

LA.App..No. 642 of 2001(A)

LAR.136/1997 of III ADDL.SUB COURT, ERNAKULAM
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APPELLANT:

STATE OF KERALA.

BY GOVT.PLEADER SRI.K.V.MANOJKUMAR.

RESPONDENTS:

1.YOHANNAN, S/O.POULOSE, THEKKAKAVARA,
IRUMPANAM.

2.INDIAN OIL CORPORATION LTD., REGD. OFFICE AT
G-9, ALIYAVUR JUNG-BANDRA EAST,
MUMBAI-51, ITS COCHIN MARKETING TERMINAL AT
IRUMPANAM, rep. BY ITS SECRETARY.

BY ADV. SRI.P.SANTHALINGAM
SRI.S.SHYAM
SRI.T.P.MURALEEDHARAN

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 13/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A.No.642 OF 2001

Dated 13th December, 2007.

J U D G M E N T

Kurian Joseph, J.

This appeal is directed against the judgment and decree in LAR No.136/97 on the file of the Sub Court, Ernakulam. The acquisition is for the purpose of providing storage and distribution facilities for Indian Oil Corporation at Irimpanam. It is seen that the reference court has granted only nominal enhancement of Rs.7,533/- per Are for the land and 25% for the structure. As far as the valuation of the structure is concerned, since the Land Acquisition Officer has rested on the valuation made by the Public Works Department, the enhancement upto 25% cannot be said to be excessive. It is also seen from the judgment that there is no contra evidence for the respondents. True, the court has rested on the evidence of the claimant. However, taking note of the potential for development of the land, the nominal enhancement at the rate of Rs.7,533/- per Are cannot be said to be excessive. Thus, there is no merit in the

appeal. It is accordingly dismissed.

I.A.No.860/03 : Dismissed.

KURIAN JOSEPH, JUDGE.

HARUN-UL-RASHID, JUDGE.

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KURIAN JOSEPH &

HARUN-UL-RASHID, JJ

L.A.A. NO.642 OF 2001

J U D G M E N T

Dated 13th December, 2007.